

Remarks

Initially, it is noted that the restriction fails to take into account the preliminary Amendment filed on October 11, 2005 that added new claims 11-16.

I. Provisional Election

As is required under 37 CFR 1.143, even though the restriction is respectfully traversed, the Applicants provisionally elect Group I, claims 1-6 and 11-14, drawn to a process of preparing dimethyl carbonate.

II. Traversal

In the restriction, the special technical feature of the claims is identified as being dimethyl carbonate. The restriction then relies on JP 10-195028, which discloses dimethyl carbonate, as teaching the identified special technical feature. In light of this, it is held that since this feature is disclosed in JP 10-195028, there is a lack of unity of invention, and therefore, restriction is proper. However, the identification of dimethyl carbonate as the special technical feature is improper.

As indicated in the restriction, special technical features as defined in 37 CFR 1.475 means “those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.” Regarding this, claims 1-6 and 11-14 are directed to a method for producing dimethyl carbonate and claims 7-10, 15, and 16 are directed to an apparatus for producing dimethyl carbonate. Clearly, what is produced by the claimed inventions, dimethyl carbonate, is not a feature that defines the contribution which each of the claimed invention makes over the prior art. Therefore, the restriction’s reliance on dimethyl carbonate as the special technical feature is incorrect. As a result, withdrawal of the restriction is respectfully requested.

III. Conclusion

In light of the above comments, the Applicants respectfully request that the Examiner withdraw the restriction requirement and examine all of claims 1-16 on the merits in the next Office Action.

Respectfully submitted,

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